

WATER COUNCIL MEETING

NH Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

March 11, 2015
9:00 a.m.

Members present: Chairman Gilbert, Councilors Beaurivage, Boisvert, Butler, Henderson, Joubert, O'Brien, Gegas, and Varotsis

Members absent: Councilors Clark, Hinds, and Rawnsley

Also present were Paula Scott, Appeals Clerk and Carolyn Guerdet, Council Clerk

Chairman Gilbert called the meeting to order at 9:05 a.m. with a quorum present. Dave Joubert was introduced as the new representative of the Septage Haulers Association.

1. Approval of Minutes of the February 11, 2015 Meeting

- ***Councilor Varotsis made a motion to accept the minutes of the February 11, 2015 meeting, second by Councilor Butler. Motion passed unanimously. Councilor Henderson abstained.***

2. Status of Appeals

Appeals Clerk, Paula Scott, presented an update on the following appeals:

I. New Appeals

Docket No. 15-01 Lower Bartlett Water Precinct

Re: 12/16/14 Denial of Request to Suspend Permit AoT-0715, dated 5/7/14 issued to Triple K Properties, Ltd.

Hearing Officer: Not assigned

Status: January 14, 2015 received Notice of Appeal. 1/15/15 issued receipt of appeal letter.

February 5, 2015 received Appearance of Gretchen Hamel for DES. 2/6/15 received Appearance of Cooley Arroyo for appellant and an Assented-to Motion to Defer Acceptance of Appeal. Council to act on the motion and the appeal. February 11, 2015 Council voted to Table Appeal and Motion until the next meeting, March 11, 2015. 3/9/15 received Withdrawal of Appeal letter. Docket closed.

II. Decision and Orders that need to be written finalized and issued.

III. Hearings or PHCs Pending

Dockets No. 12-01 WC – David Sundman, et al.

Re: 12/19/11 Alteration of Terrain Permit No. AoT-0353 for Dalton Valley Drag

Hearing Officer: David Conley assigned on 2/9/12

Status: Received appeal that appears to be timely on January 18, 2012. Issued receipt of appeal letter on January 20, 2012. Council accepted the appeal Feb. 8, 2012, notice was issued Feb.9, 2012. 8/27/12 received Stipulation to Dismissal of Appeal of Permit WPS-8289A. 8/30/12 Order regarding Dismissal of Appeal by agreement was issued. In accordance with the dismissal, Docket No. 09-05 WC Dalton Valley Drag, LLC is withdrawn from the Council's docket. September 4, 2012 received Status Update from the Department

regarding Docket No.12-01 WC. The license action is under Reconsideration. November 15, 2013 issued letter regarding request for hearing, which states that the matter is not within the Water Council's jurisdiction. August 4, 2014 received request to schedule PHC. 8/6/14 issued Notice of PHC scheduled for Sept. 8, 2014. 8/18/14 received Appellant's Partially Assented-to Motion to Continue Prehearing Conference. 8/25/14 issued letter granting Motion to Continue and reschedule PHC for Sept. 29, 2014 at 1 p.m. 9/19/14 received withdrawal of counsel for DES-Allen Brooks and Appearance of counsel for DES-Christopher Aslin. 9/19/14 received Appearance of Counsel for permittee-Philip Braley and Cooley Arroyo and Assented-to Motion to Intervene. 9/23/14 issued letter granting Motion to Intervene. 9/26/14 received Withdrawal of Attorney Joly and an Appearance of Attorney Brown for the appellants. 9/29/14 received revised Withdrawal of Rose Marie Joly and revised Appearance for Marcia Brown. November 18, 2014 received Assented-to Emergency Motion for Extension. 11/1/14 issued letter granting Eminency Motion for Extension. 11/26/14 received Amended Notice of Appeal. December 8, 2014 received Withdrawal of permittee's counsel. 12/10/14 issued ruling on amended Notice of Appeal and new Deadlines. 12/24/14 received Assented-to Motion to Stay Pre-hearing Conference and hearing. 12/30/14 issued letter granting Motion and scheduling PHC for 4/16/15 at 8:30 a.m. February 13, 2015 received Appellants' Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment. 2/27/15 received DES' Partial Objection to Appellants' Motion for Summary Judgment. Discussion was held as to procedure and questions were answered. No comments were provided on the draft Order.

Docket No. 14-02 WC – Monadnock Paper Mills, Inc.

Re: 1/13/14 State Water Quality Certificate, WQC #2013-FERC-001, Conditions

Hearing Officer: David Conley, Esq. assigned on 5/19/14

Recused Member: Carol Henderson and Mike Butler recused.

Status: February 28, 2014 received Notice of Appeal. March 11, 2014 issued receipt of appeal letter. May 5, 2014 received Appearance from Atty. Mary Maloney for DES. Council to accept or dismiss appeal. Appeal was accepted at the May 14, 2014 Council meeting. 5/14/14 issued Appeal accepted letter. 5/20/14 issued Notice of Prehearing Conference (PHC). 5/23/14 received Assented to Motion to Continue PHC. 5/29/14 issued letter granting Motion to Continue and rescheduled PHC for Sept. 10th at 8 a.m. August 13, 2014 received Assented to Motion to continue Prehearing conference. 8/14/14 issued letter granting Motion to Continue and rescheduled PHC for Oct. 27, 2014 at 8:30 a.m. 10/20/14 received Assented-to Motion to Continue PHC. 10/21/14 issued letter granting Motion to Continue and rescheduled PHC for January 12, 2015 at 8:30 a.m. 12/31/14 sent notice of rescheduled Prehearing Conference due to scheduling conflict. PHC is scheduled for 1/16/15 at 11 a.m. 1/4/15 received Assented-to Motion to Continue PHC. 1/6/15 issued letter granting Motion and rescheduling PHC for March 16, 2015 at 11 a.m. February 20, 2015 received Assented-To Motion to Continue Prehearing Conference. March 2, 2015 issued letter rescheduling PHC to June 17, 2015 at 9 a.m.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

3. New Business

- a. Env-Wq 500 State Clean Water Pollution Control Revolving Loan Fund
Gretchen Hamel

These rules expire in early May. Memo reviewing revisions and updates was distributed and reviewed by Gretchen. Initial proposal will be sent out when completed for the Council's review. The statute requires the rules to be provided to the Water Council before filing the rulemaking notice. She then explained what the revolving loan fund is.

b. Env-Wq 800 Sludge Management

Gretchen Hamel and Mike Rainey

This permit system is for sludge removal, transportation, and disposal. Predominately is about land application. Stakeholder groups were convened and the recommendation was that DES rules were too stringent and were impediments to land applications. They are proposing the following major policy changes:

- 1) Increase site and facility permit terms from 5 to 10 years,
- 2) Public permits hearings will only be conducted upon request,
- 3) Reduce the scope and frequency of sludge testing to obtain and renew sludge quality certification,
- 4) Specify management requirements for certain types of residuals based on their unique characteristics, and
- 5) For agricultural land applications, require that application rates be based limiting phosphorus loading.

There will be other smaller changes in support of these major changes.

4. Old Business

House Bill 306 has passed regarding the removal of state agencies from the Water Council and adding two new members. Councilor O'Brien noted he and the Lakes Association had no prior knowledge of the additions to the Council.

HB 2 has just the removal of OEP from the Council.

Director Forbes gave a legislative snapshot of the bills the Water Division is tracking before going into cross-over.

5. Next Meeting

April 8, 2015

To be on the Agenda: Discussion of Water Council roles, rules and procedures. Gretchen Hamel suggested they would help with a packet for new council members to explain the rules specific to the Water Council. Chairman Gilbert will work with Gretchen on this.

6. Adjournment

- ***Councilor Varotsis made a motion to adjourn, second by Councilor Boisvert. Motion passed unanimously.***

Meeting was concluded at 10:20 a.m.